

CROSS REFERENCES

War-time restrictions generally, see section 223 of Title 22, Foreign Relations and Intercourse.

§ 22. Time allowed to settle affairs and depart.

When an alien who becomes liable as an enemy, in the manner prescribed in section 21 of this title, is not chargeable with actual hostility, or other crime against the public safety, he shall be allowed, for the recovery, disposal, and removal of his goods and effects, and for his departure, the full time which is or shall be stipulated by any treaty then in force between the United States and the hostile nation or government of which he is a native citizen, denizen, or subject; and where no such treaty exists, or is in force, the President may ascertain and declare such reasonable time as may be consistent with the public safety, and according to the dictates of humanity and national hospitality. (R. S. § 4068.)

DERIVATION

Acts July 6, 1798, ch. 66, § 1, 1 Stat. 577; July 6, 1812, ch. 130, 2 Stat. 781.

§ 23. Jurisdiction of United States courts and judges.

After any such proclamation has been made, the several courts of the United States, having criminal jurisdiction, and the several justices and judges of the courts of the United States, are authorized and it shall be their duty, upon complaint against any alien enemy resident and at large within such jurisdiction or district, to the danger of the public peace or safety, and contrary to the tenor or intent of such proclamation, or other regulations which the President may have established, to cause such alien to be duly apprehended and conveyed before such court, judge, or justice; and after a full examination and hearing on such complaint, and sufficient cause appearing, to order such alien to be removed out of the territory of the United States, or to give sureties for his good behavior, or to be otherwise restrained, conformably to the proclamation or regulations established as aforesaid, and to imprison, or otherwise secure such alien, until the order which may be so made shall be performed. (R. S. § 4069.)

DERIVATION

Act July 6, 1798, ch. 66, § 2, 1 Stat. 577.

CROSS REFERENCES

Enemies denied access to courts of United States, see Proc. No. 2561, set out under section 700 of this title.

§ 24. Duties of marshals.

When an alien enemy is required by the President, or by order of any court, judge, or justice, to depart and to be removed, it shall be the duty of the marshal of the district in which he shall be apprehended to provide therefor and to execute such order in person, or by his deputy or other discreet person to be employed by him, by causing a removal of such alien out of the territory of the United States; and for such removal the marshal shall have the warrant of the President, or of the court, judge, or justice ordering the same, as the case may be. (R. S. § 4070.)

DERIVATION

Act July 6, 1798, ch. 66, § 3, 1 Stat. 578.

Chapter 4.—ESPIONAGE

§§ 31—39. Repealed. June 25, 1948, ch. 645, § 21, 62 Stat. 862, eff. Sept. 1, 1948.

Section 31, acts June 15, 1917, ch. 30, title I, § 1, 40 Stat. 217; Mar. 28, 1940, ch. 72, title I, § 1, 54 Stat. 79, relating to unlawful obtaining or permitting to be obtained information affecting national defense, is covered by section 793 of Title 18, Crimes and Criminal Procedure.

Section 32, act June 15, 1917, ch. 30, title I, § 2, 40 Stat. 218, relating to unlawful disclosures affecting national defense, is covered by section 794 of Title 18, Crimes and Criminal Procedure.

Section 33, act June 15, 1917, ch. 30, title I, § 3, 40 Stat. 219, relating to seditious or disloyal acts or words in time of war, is covered by section 2388 of Title 18, Crimes and Criminal Procedure. Former section 33 was amended by act May 16, 1918, ch. 75, § 1, 40 Stat. 553, which was repealed and the original section reenacted by Res. Mar. 3, 1921, ch. 136, 41 Stat. 1359.

Section 34, act June 15, 1917, ch. 30, title I, § 4, 40 Stat. 219, relating to conspiracy to violate former sections 32 and 33 of this title, is covered by sections 794 and 2388 of Title 18, Crimes and Criminal Procedure.

Section 35, acts June 15, 1917, ch. 30, title I, § 5, 40 Stat. 219; Mar. 28, 1940, ch. 72, § 2, 54 Stat. 79, relating to the harboring or concealing of violators of the law, is covered by sections 792 and 2388 of Title 18, Crimes and Criminal Procedure.

Section 36, act June 15, 1917, ch. 30, title I, § 6, 40 Stat. 219, relating to designation by proclamation of prohibited areas, is covered by section 793 of Title 18, Crimes and Criminal Procedure.

Section 37, act June 15, 1917, ch. 30, title I, § 8, 40 Stat. 219, relating to places subject to provisions of former sections 31—42 of this title, is covered by sections 791 and 2388 of Title 18, Crimes and Criminal Procedure.

Section 38, act June 15, 1917, ch. 30, title I, § 7, 40 Stat. 219, relating to the jurisdiction of courts-martial and military commissions, is not now covered. For related provisions, see section 551 et seq. of this title.

Section 39, act June 15, 1917, ch. 30, title XIII, § 2, 40 Stat. 231; Proc. No. 2695, eff. July 4, 1946, 11 F. R. 7517, 60 Stat. 1352, relating to jurisdiction of Canal Zone courts over offenses on high seas, is covered by section 3241 of Title 18, Crimes and Criminal Procedure.

§ 40. Transferred.

CODIFICATION

Section, act June 15, 1917, ch. 30, title XIII, § 1, 40 Stat. 231, has been transferred to section 195 of this title.

§ 41. Repealed. June 25, 1948, ch. 645, § 21, 62 Stat. 862, eff. Sept. 1, 1948.

Section, act June 15, 1917, ch. 30, title VIII, § 4, 40 Stat. 226, relating to definition of "Foreign government" is covered by section 11 of Title 18, Crimes and Criminal Procedure.

§ 42. Effect of partial invalidity of chapter.

CODIFICATION

Section, act June 15, 1917, ch. 30, title XIII, § 4, 40 Stat. 231, is now set out in note under section 191 of this title.

Chapter 4A.—PHOTOGRAPHING, SKETCHING, MAPPING, ETC., DEFENSIVE INSTALLATIONS

§§ 45—45d. Repealed. June 25, 1948, ch. 645, § 21, 62 Stat. 862, eff. Sept. 1, 1948.

Section 45, act Jan. 12, 1938, ch. 2, § 1, 52 Stat. 3, relating to photographing of defensive installations, is covered by sections 795—797 of Title 18, Crimes and Criminal Procedure.

Section 45a, act Jan. 12, 1938, ch. 2, § 2, 52 Stat. 3, relating to photographing, etc., from aircraft, is covered by section 796 of Title 18; Crimes and Criminal Procedure.